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DOL/ILAB FOR TINA MCCARTER, DRL/IL FOR TU DANG

E.O. 12958: N/A

TAGS: ELAB FIND ETRD PHUM SOCI VM

SUBJECT: YEMEN UPDATE OF WORST FORMS OF CHILD LABOR
INFORMATION FOR MANDATORY CONGRESSIONAL REPORTING
REQUIREMENTS

REF: SECSTATE 158223

¶1. As requested in reftel, Post contacted appropriate Republic of Yemen Government (ROYG) government officials and non-governmental organizations (NGOs)(including the Ministries of Labor, and Education, international organizations such as the ILO and UNICEF, and the World Bank) for updated information on the nature of child labor in Yemen and the extent to which the ROYG is working to eliminate the worst forms of child labor (WFCL). Post provides the following responses keyed to reftel. Post will also forward to DOL all hard copies of information gathered from contacts for this report.

¶2. Section A) ROYG laws and regulations proscribing the worst forms of child labor:

- ROYG Ministerial Decree No.56 for 2004 (promulgated in accordance with the ILO Conventions No.(182) regarding the ban of worst forms of child labor and No.(138) regarding classifying work age issued by the International Labor Organization) sets the minimum age for any kind of labor that might expose "children's health, security or ethics to danger due to the nature or circumstances of the work" at age 18. The decree goes on to state that the minimum age for work that does not expose a child to danger shall not be less than the age of finishing compulsory education and shall never be under age 18. There are, however, exceptions. Anyone age 18 who has failed to complete compulsory schooling is permitted to work and children between the ages of 13-15 may work if the nature of the job is light, if the job is not harmful to their health and their physical and mental welfare and if job attendance does not interfere with school attendance. There are no exceptions for hazardous work and children are permitted to work for their parents but not if the work is in violation of any of the proscriptions set forth in the Decree. The Decree specifically identifies the worst forms of child labor that must be eliminated as: the use of children in prostitution and the production of child pornography; the use or conscription of children as combatants in armed conflicts and tribal disputes; using, procuring, or exposing children to illicit activities such as the promotion use and sale of drugs; child trafficking beyond the borders of Yemen for any purpose, and labor that by its nature or circumstance is likely to harm a child's health, safety, morals and behavior. The minimum age for military service or recruitment is 18 years.

- The ROYG has ratified Convention 182 and in the aforementioned decree, Chapter Three Section One, identifies the worst forms of child labor for children under the age of 18 in accordance with article 4 of the Convention. The list includes 74 occupations.

¶3. Section B) ROYG regulations for implementation and enforcement of proscriptions against the worst forms of child labor:

- Ministerial decree No.56, Section Two Articles 25 - 29, sets forth sanctions available to government agencies that enforce child labor laws. Section Two provides criminal penalties for inciting a child to engage in the use of drugs or the sale of psychotropic substances, prostitution or debauchery, and for the purchase or sale of a male or female child. The prison terms range from five to fifteen years. A prison term may be doubled for repeat offenders.

- The ROYG Ministry of Social Affairs and Labor (MOSAL), Child Labor Unit (CLU), is severely constrained in its ability to investigate and document complaints of child labor violations. MOSAL's budget is inadequate to fund the monitoring and capacity building measures and training necessary to empower the CLU to monitor and reduce the phenomenon of child labor in Yemen. The CLU has approximately 20 monitors throughout the country. There is, however, considerable apathy among those monitors, who are paid only 4 thousand Yemeni Rial (YR), the equivalent of less than 20 USD, per month. The ministry has no database capacity for the collection, storage and analysis of information gathered by the monitors. Again, this is due to the severe budgetary constraints of the MOSAL.

- The CLU has been able, through partnerships and networking with NGOs such as the International Labor Organization, International Program for the Elimination of Child labor (ILO/IPEC) and ACCESS-MENA, to develop programs that target at risk communities and responsible government officials through awareness training programs as well as rehabilitation

and training programs.

¶4. Section C) Social programs in Yemen specifically designed to prevent and withdraw children from the worst forms of child labor:

- The Community, Habitat and Finance (CHF) ACCESS-MENA program is an 8 million US dollar (USD) US Department of Labor (USDOL) funded program covering Lebanon and Yemen. The program aims to prevent child labor by improving access to, and the quality of, basic education. The program does not give the children or their families money to withdraw children from the work force. Instead, the program works with NGOs and with school and government authorities to conduct workshops and public awareness campaigns to create an environment that encourages families to withdraw children from the work force to attend school.

- The Yemeni government in cooperation with the ILO/IPEC established anti-child labor units in a number of government institutions throughout the country. The program funded by USDOL is a 4 year, 3 million USD program. In 2005, the ILO/IPEC established centers for rehabilitation of child workers in Sanaa, Seiyoun, and Aden, and Hodeidah. Within 4 months, these centers were able to rehabilitate 719 street children in the Sanaa and Seiyoun centers. In the beginning of 2007, ILO/IPEC established an additional center for the rehabilitation of child workers in the fishing industry.

¶5. Section D) Yemen does have a comprehensive policy aimed at the elimination of the worst forms of child labor:

- The ROYG has a Country Program Action Plan which incorporates the National Policy and Program Framework (NPPF) for the Elimination of the Worst Forms of Child Labor in Lebanon and Yemen funded by USDOL with 3 million dollars US. Launched in Yemen by ILO/IPEC, the plan is included in the ROYG's Third 5 Year Plan under the strategy for poverty reduction. The NPPF is designed to achieve 4 objectives: 1) Strengthened enforcement mechanisms and harmonization of the ROYG legislative framework with international standards for

the WFCL and strengthened enforcement mechanisms. 2) Enhancement of ROYG capacity to implement legislation, policies and programs to eliminate the WFCL. 3) Increased awareness about the negative consequences of the WFCL in Yemen and how to deal with the problem. 4) Withdrawal and prevention of the exploitation and engagement of boys and girls in the WFCL, through effective intervention models.

- Education is free by law in Yemen, but in practice the cost of books and school uniforms raise the cost to about 10 USD per student per year. The average Yemeni household has an income of between 450 USD and 730 USD per year (approximately 2 USD per day). With one of the highest population growth rates in the world at 3.1 percent per year, the average woman in Yemen has six children. School, at 10 USD per year per student, becomes cost prohibitive for many families in Yemen. Estimates by CHF ACCESS-MENA place the number of children out of school in Yemen at more than two million. CHF further clarifies this number, stating that 55 percent of the children in Yemen between the ages of 6-15 are out of school.

¶16. Section E) Yemen is making continual progress toward eliminating the worst forms of child labor:

- Definite and updated statistics on child labor are not available but the issue of child labor in Yemen is high on the list of the ROYG's agenda. The problem is addressed in Yemen's five year plan, and National Poverty Reduction and Childhood and Youth Strategy (NPRCYS). Child labor is an issue also regularly referred to in national media and parliamentary discussions. The NFFP is constructed as a coherent set of policies, strategies, and objectives, aimed at responding to the problem of child labor and the WFCL in Yemen. While there is some indication of a rise in child labor, the fact that the ROYG is working with NGOs and donors to confront the underlying issues of poverty and illiteracy illustrates progress toward the elimination of the WFCL in Yemen. The programs in place are relatively new and will take time to have significant impact on the child labor situation but the ROYG appears committed to the fight and to increasing its own capacity to ensure sustainability of the reduction in child labor and the elimination of the WFCL in Yemen.

- CHF reports that children in Yemen are employed predominantly in agriculture and fishing. Estimates claim that 82.9 percent of children work for their families (including street beggars) and 17.1 percent work outside the

family. MOSAL cites that children working outside the family are employed in small factories and shops. CHF reports claim that approximately 51.7 percent of male children between the ages of 10-14 are in the work force compared to 48.3 percent of female children in the same age group.

- According to the CLU, Yemen is free from slavery practices but the ROYG does acknowledge a high rate of trafficking of children into the Kingdom of Saudi Arabia (KSA) for work. CLU estimates not less than 10 children per day are trafficked into KSA. MOSAL has no reports indicating that children are trafficked into KSA for commercial sex. Young girls may, however, fall victim to internal trafficking for commercial sex. A draft study conducted by ILO/IPEC in three governorates, Mahweet, Aden and Taiz, indicates that there is evidence that young girls below the age of 15 are being trafficked into the commercial sex trade in those areas. They predominately work in hotels, casinos, and bars.

¶17. COMMENT: Yemen is the poorest country in the Middle East and one of the least developed countries in the world. The average Yemeni household subsists on an income of less than 2 USD per day. An exploding population growth rate at 3.1 percent per year places poor households in the position of sending children into the work force instead of to school to supplement the family income. The ROYG is to be commended for developing plans and partnerships with international donors and NGOs to combat the problem that many other countries in the region, due to cultural sensitivity, would simply deny or

ignore. Post hopes that the nascent programs ongoing in Yemen will continue to receive adequate funding to ensure that the ROYG is able to develop its own capacity to eliminate and prevent the WFCL in a sustainable fashion. END COMMENT.
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